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5 || Counsel for Defendant VALENZUELA-RUIZ

IN THE UNITED STATES DISTRICT COURT
FOR THE NORTHERN DISTRICT OF CALIFORNIA

SAN JOSE DIVISION

UNITED STATES OF AMERICA,) No. CR 07-00598- JF
v.)
Plaintiff,) **STIPULATION TO CONTINUE
STATUS HEARING; [PROPOSED]
ORDER**
EVERARDO VALENZUELA-RUIZ,)
Defendant.)

STIPULATION

Defendant and the government, through their respective counsel, hereby stipulate that, subject to the court's approval, the status hearing in the above-captioned matter, presently scheduled for February 27, 2008 at 9:00 a.m., may be continued to March 26, 2008 at 9:00 a.m. Mr. Valenzuela-Ruiz believes that he has cancer of the esophagus. He has previously obtained medical evaluation at the Los Angeles County-USC medical center and more recently undergone a number of follow-up tests at the Santa Clara Main Jail. To date, the defense has secured medical records from the Santa Clara Main Jail which include in-patient records for Santa Clara Valley Medical Center. However, those records do not contain the reports which note the results of the additional testing. Also, noted within those records which defense counsel has secured is a

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1 reference to records at Los Angeles County-USC Medical Center – records which the Santa Clara
2 Valley Medical Center notes it needs to obtain . Defendant's counsel has received information
3 from the family of Mr. Valenzuela-Ruiz regarding the medical record number and name for his
4 records at the Los Angeles County-USC Medical Center. The defense has requested these
5 records and anticipates a response within the next two weeks. Once the defense has obtained the
6 medical records, the documents will be provided to the government attorney for his
7 consideration. The government will need time to review the records and decide whether to enter
8 into additional negotiations with the defendant's counsel regarding disposition of this case.
9 Therefore, an additional thirty days is requested.

10 The parties further agree and stipulate that time should be excluded from and including
11 February 27, 2008 through and including March 26, 2008, to provide counsel reasonable time to
12 prepare, pursuant to Speedy Trial Act, 18 U.S.C. §3161(h)(8)(A) and (B)(iv). Accordingly, the
13 United States and the defendant agree that granting the requested exclusion of time will serve the
14 interest of justice and outweigh the interest of the public and defendant in a speedy trial.

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16 Dated: February 25, 2008

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18 Manuel U. Araujo
19 Assistant Federal Public Defender

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21 Dated: February 25, 2008

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23 Benjamin T. Kennedy,
24 Assistant United States Attorney

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ORDER

2 Good cause appearing and by stipulation of the parties, it is hereby ordered that the status
3 conference hearing in the above-captioned matter shall be continued from February 27, 2008, to
4 March 26, 2008 at 9:00 a.m. as well as the period of delay from February 27, 2008, to and
5 including March 26, 2008, is excluded for purposes of Speedy Trial Act computations pursuant
6 to Title 18, United States Code, Sections 3161(h)(8)(A) and 3161(h)(8)(B)(iv).

Dated: February , 2008

JEREMY FOGEL,
United States District Judge